IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 36276 of 2007(S)
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PETITIONERS:
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1. T.V.NARAYANAN,
   T.V.HOUSE, MOHAN ROAD,
   KANNAPURAM,
   CHERUKUNNU,
   KANNUR-670301.

2. K.VENUGOPALAN,
   K.O.NILAYAM,
   P.O.MORAZHA,
   KANNUR-670331.

3. P.V.ABOOBACKER,
   NASEEMA MANZIL,
   P.O.CHERUKUNNU,
   KANNUR-670301.

4. W.J.SURENDRAN,
   SHAMMY NIVAS,
   NEAR KIZHAKKEKAVU,
   KANNAPURAM,
   P.O.MUTUMMAL,
   KANNUR 670331.

5. P.P.LAXMANAN,
   MANJA HOUSE,
   KANNAPURAM,
   P.O.CHERUKUNNU,
   KANNUR-670301.

BY ADV. SRI.ANIL SIVARAMAN

RESPONDENTS:
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1. THE STATE OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY,
   GOVT. OF KERALA,
   GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,
   PUBLIC WORKS DEPARTMENT,
   KERALA STATE TRANSPORT PROJECT DIVISION,
   OPPOSITE MILITARY HOSPITAL,
   WELLESLEY ROAD, KANNUR.

3. THE DISTRICT COLLECTOR,
   KANNUR.

4. THE SPECIAL TAHSILDAR (L.A.)
   N.H. KANNUR.

5. C.P.SULAIKHA,
   K.V.MANZIL,
   NEAR RAILWAY STATION,
   KANNAPURAM,
   P.O.CHERUKUNNU,
   KANNUR-670301.

R1 TO R4 BY GOVERNMENT PLEADER MR.M.P.SREEKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**H.L.DATTU, C.J. & K.M.JOSEPH, J.**

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**W.P.(C) No.36276 of 2007**

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Dated, this the 7th day of December, 2007

**JUDGMENT**

**H.L.Dattu, C.J.**

Certain public spirited citizens are before this Court for the following reliefs:

> "a) issue a writ in the nature of mandamus, or any other such appropriate writ, order or direction, commanding the respondents 3 and 4 to immediately initiate steps necessary for the acquisition of the entire building bearing Nos: VI/794 – 806, belonging to the 5th respondent and situated in RS No.127/7 (New No: 127/11), so as to proceed with the widening of the Pappinissery Pilathara Public Road under the KST Project, invoking the provisions of the Land Acquisition Act;
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> b) to issue any other such writ, order or direction as this Hon'ble Court may deem fit and necessary to issue in order to meet the ends of justice in the facts and circumstances of the instant case; and
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> c) to award the costs of these petitioners in these proceedings."

2. The 5th respondent in this writ petition was the petitioner in W.P.(C) No.31421 of 2006. In that she had sought for certain declaration. This Court by its order dated 31st January, 2007 was pleased to allow the writ petition and was further pleased to observe as under:

> "It is declared that either the authorities proceed to acquire the entire building or forbear from acquiring a part of the building. It is open to the authorities to exercise their option for acquiring the entire building, within a period of three months from the date of this judgment, failing which the proceedings of acquiring of the part of the building will stand quashed."

3. In the present writ petition filed by the public spirited citizens, they request us to direct respondents 3 and 4 to acquire the building which belongs to the 5th respondent.

4. In our view, in the light of the orders passed by this Court in W.P.(C) No.31421 of 2006 disposed of on 31st January, 2007, the relief sought for by the petitioners in this writ petition can never be granted by any Court. Therefore, the writ petition requires to be rejected and it is rejected.

Ordered accordingly.

(**H.L.DATTU)**
**CHIEF JUSTICE**

**(K.M.JOSEPH)**
**JUDGE**

vns